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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/078,469	05/14/1998	YASUSHI TAKAHASHI	450100-4487	7293

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/078,469

Applicant(s)

TAKAHASHI ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 13 June 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. The indicated allowability of claims 4-6 and 10-12 is withdrawn in view of the newly discovered references(s) to Herz et al. and Hashimoto. Rejection based on the newly cited reference(s) follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 6,088,722) and in view of Hashimoto (US 4,745,549).

Regarding claim 1, Herz discloses a method for accessing to video programs and other data using customer profiles comprising the steps of:

forming a specific user's own specific user model based on general user selection taste data comprising classification items and information contents on the

basis of a general user group classified according to a user attributer and/ or the state of information utilization, and based on the basis information selection taste data of the specific user (see col. 14, lines 1- 49);

registering specific user model formed for each of plural users so as to correspond to respective users;

retrieving the information suiting one or more specific user model (s) based on the one or more specific user model (s) among a plurality of specific user models (col. 25, line 45 – col. 27, line 38; col. 48, lines 18-25 and col. 52, line 40 – col. 53, line 30); and

forming a group user model (clustering customer profiles) on the basis of the plurality of specific user models and retrieving information based on the group user model (see col. 5, lines 40-59). Herz further discloses  $W_{ik}$  is customer i's weight of characteristic k (see col. 6, lines 9-10; col. 35, line 5 – col. 36, line 23 and col. 38, line 65 – col. 41, line 5). However, Herz fails to disclose group user model is formed by a maximum value mode, minimum value mode or average value mode for selecting the maximum value, minimum value or average value, respectively, of the plurality of specific models.

Hashimoto discloses generating optimal program list based on responses from subscriber taste of television programs and distributing video program based on response from user (see col. 2, line 49- col. 8, line 10). Obviously, a group user mode is formed by a maximum value mode, minimum value mode or average value mode for

Art Unit: 2611

selecting the maximum value, minimum value or average value for indicating subscriber taste of television program. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to incorporate maximum value mode, minimum value mode or average value mode as taught by Hashimoto in order to provide a most interesting television program to subscriber according to the selected mode and thereby increase efficiency of services.

Regarding claim 3, Herz discloses the methods as discussed in the rejection of claim 1 further comprising the steps of storing the group user model set-top multimedia terminal (see col. 26, lines 2-5 and col. 48, line 18-25).

Regarding claim 4, Herz in view of Hashimoto discloses a method as discussed in the rejection of claim 1. Hashimoto further discloses a method of forming the group user model is the maximum value mode for selecting the maximum value of the plurality of specific user models (see col. 2, line 49- col. 6, line 59).

Regarding claim 5, Herz in view of Hashimoto discloses a method as discussed in the rejection of claim 1. Hashimoto further discloses a method of forming the group user model is the minimum value mode for selecting the minimum value of the plurality of specific user models (see col. 2, line 49- col. 6, line 59).

Regarding claim 6, Herz in view of Hashimoto discloses a method as discussed in the rejection of claim 1. Hashimoto further discloses a method of forming the group user model is the average value mode for selecting the average value of the plurality of specific user models (see col. 2, line 49- col. 6, line 59).

Regarding claims 7, 9-12, the apparatus elements being claimed correspond to the method elements of claims 1, 3-6 and analyzed as discussed with respect to claims 1, 3-6.

Regarding claim 13, Herz discloses a method for accessing to video programs and other data using customer profiles comprising the steps of:

forming a specific user model for a specific user based at least upon the specific user's own selection data (see col. 14, lines 1- 49);

registering the specific user model formed for each of plural users, whereby a plurality of specific user models are registered and correspond to respective users;

forming a group user model (clustering customer profiles) on the basis of the plurality of specific user models and retrieving information based on the group user model (see col. 5, lines 40-59). Herz further discloses  $W_{ik}$  is customer  $i$ 's weight of characteristic  $k$  (see col. 6, lines 9-10; col. 35, line 5 – col. 36, line 23 and col. 38, line 65 – col. 41, line 5). However, Herz fails to disclose group user model is formed by a maximum value mode, minimum value mode or average value mode for selecting the

Art Unit: 2611

maximum value, minimum value or average value, respectively, of the plurality of specific models.

Hashimoto discloses generating optimal program list based on responses from subscriber taste of television programs and distributing video program based on response from user (see col. 2, line 49- col. 8, line 10). Obviously, a group user mode is formed by a maximum value mode, minimum value mode or average value mode for selecting the maximum value, minimum value or average value for indicating subscriber taste of television program. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to incorporate maximum value mode, minimum value mode or average value mode as taught by Hashimoto in order to provide a most interesting television program to subscriber according to the selected mode and thereby increase efficiency of services.

Regarding claim 14, Herz in view of Hashimoto discloses a method as discussed in the rejection of claim 13. Hashimoto further discloses the group user model is formed by maximum value mode (see col. 2, line 49- col. 6, line 59).

Regarding claim 15, Herz in view of Hashimoto discloses a method as discussed in the rejection of claim 13. Hashimoto further discloses the group user model is formed by the minimum value mode (see col. 2, line 49- col. 6, line 59).

Regarding claim 16, Herz in view of Hashimoto discloses a method as discussed in the rejection of claim 13. Hashimoto further discloses the group user model is formed by the average value mode (see col. 2, line 49- col. 6, line 59).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Hendricks et al.** (US 5,798,785) discloses a advanced set top terminal for cable television system that can forming a specific user's own specific model based on the general user selection taste data; registering the specific used model formed for each plural user and retrieving the information suiting one or plural specific user model (s) based on the one or plural specific user model (s) (see col. 33, line 58 – col. 36, line 16).

**Beyers, II et al.** (US 5,381,477) discloses forming a group of subscribers who have common interest (see col. 2, lines 15-23, and col.15, lines 15-46).

**Seidman et al.** (US 6,298,482) discloses system for two way digital multimedia broadcast and interactive services.



**Levitan** (US 5,534,911) discloses virtual personal channel in a television system.

**Herz et al.** (US 5,754,939) discloses system for generation of user profiles for a system for customized electronic identification of desirable objects.


**Hashimoto** (US 5,075,771) discloses method and apparatus for optimal scheduling of television program to maximize customer satisfaction.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
August 23, 2002

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600